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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,061	05/04/2001	Robert L.S. Devine	919.0004.USU	8170
29683	7590	11/05/2004		
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,061

Applicant(s)

DEVINE ET AL.

Examiner

Viet Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 62-74 is/are allowed.
- 6) ☒ Claim(s) 1, 3-15, 18-21, 23, 26-36, 39-44, 46-49, 52-57, 60 and 61 is/are rejected.
- 7) ☒ Claim(s) 2, 16, 17, 22, 24, 25, 37, 38, 45, 50, 51, 58 and 59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**Non-Art Rejections:**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 23 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following language lacks proper antecedent basis:

In claim 23, line 1, "said hierarchy".

**Art Rejections:**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered

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therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3-9, 11-15, 28-34 and 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, U.S. pat. No. 6,772,418.

Per claims 1, 3-6 and 11-12, Morris discloses a data processing system comprising:

- a) a set of connected devices/nodes in a tree-type network, each connected node/device comprising a data processor that executes a program for connecting to and disconnecting from said network and for maintaining a (second) list descriptive of at least some user-defined services published by publisher nodes that are members of a first sub-set of the connected devices/nodes, i.e., publisher/parent nodes (see col 6, lines 9-11),
- b) means at each publisher node for maintaining a (third) list descriptive of all registered subscriber nodes that are members of a second sub-set of connected devices/nodes, i.e. subscriber list (see col 4, lines 64-67),
- c) means at each publisher node for providing a service output to registered subscriber nodes upon an occurrence of at least one predetermined triggering event, wherein a given one of said

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connected devices may be a member of only said first sub-set of connected devices (e.g. root node), or may be a member of only said second sub-set of connected devices (e.g. leaf node), or may be a member of both said first sub-set of connected devices and said second sub-set of connected devices (see col 7, lines 1-59).

Morris does not teach maintaining a (first) list descriptive of locally connected devices/nodes at each node in the tree network.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to realize maintaining such connection information at each tree node because would have enabled this distributed tree topology to be properly maintained when any tree components change (see col 4, lines 53-55 and 64-67).

Per claim 8-9, it is noted that the use of self-register devices on a network is well known in the art.

Per claims 7, 13-15, 28-34, 39-44, it would have been also obvious to one of ordinary skill in the art at the time the invention was made to recognize that Morris' system would have been implemented on any conventional networks, and used of any known protocols, computing platforms and data services.

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6. Claims 10, 18-21, 27, 35-36 46-49, 52-57 and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, and further in view of Bracho et al. U.S. pat. No. 6,072,443.

Morris does not teach using a database for providing data contents to subscribers. The use of a database in such publisher/subscriber data delivery system is well known in the art as disclosed by Bracho (see Bracho's col 16, lines 30-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such database in Morris because it would have provide a central content and backup storage for the system.

**Allowable Subject Matter:**

7. Claim 2, 16-17, 22, 24-25, 37-38, 45, 50-51, 58-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 62-74 are allowed over prior art of record.

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**Conclusion:**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-305-9600. The Group fax number is 703-872-9306.



VIET D. VU  
PRIMARY EXAMINER

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11/1/04